



United States Attorney
Southern District of New York

MEMO ENDORSED

86 Chambers Street
New York, New York 10007

February 25, 2025

BY ECF

The Honorable Jessica G. L. Clarke
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

Dated: February 26, 2025
New York, New York

SO ORDERED
Jessica Clarke

JESSICA G. L. CLARKE
United States District Judge

Re: *R & J Food Corp., et al. v. United States of America*, No. 24 Civ. 8034 (JGLC)

Dear Judge Clarke:

This Office represents the government in the above-referenced action in which Plaintiffs seek *de novo* review of the United States Department of Agriculture, Food and Nutrition Service's decision to disqualify Plaintiff R & J Food Corp. (the "Store") for six months from participating in the Supplemental Nutrition Assistance Program ("SNAP") after finding that Store personnel had accepted SNAP benefits in exchange for ineligible items. I write respectfully to request that the initial pretrial conference scheduled for March 5, 2025 (and the parties' pre-conference submissions) be adjourned *sine die* in contemplation of the parties filing, by April 4, 2025, and pursuant to Section 4.k of Your Honor's Individual Rules and Practices, a "single letter motion, jointly composed, no longer than five pages, explaining the nature of the [discovery] dispute, and, if applicable, requesting an informal conference."

By way of background, the government filed its answer to the complaint yesterday, *see* ECF No. 22, and will be serving plaintiffs with a copy of the certified administrative record by the end of this week. The parties have conferred and disagree regarding whether this Court may decide temporary disqualification in SNAP cases without discovery based on the certified administrative record (which contains the evidence that the agency used to temporarily disqualify the store). The adjournment of the initial pretrial conference will allow time for the government to serve the certified administrative record on plaintiffs and, if the parties continue to disagree on the appropriateness of proceeding via pre-discovery cross-motions for summary judgment, prepare the single letter motion referenced above. This is the government's second request for an adjournment of the conference. The Court granted the prior request. Plaintiffs consent to the requested relief.

I thank the Court for its consideration of this letter.

Respectfully submitted,

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Southern District of New York
Attorney for Defendant

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cc: Plaintiffs' counsel (by ECF)